

Today's Date 10/8 Time 9:30 INQ15-00060

Name mark obrien

Email mark@adpizza.com

Phone 541 753-7373

Address in question \_\_\_\_\_

\*\*\*Verify address is in City limits. Response will be made within 24 hours\*\*\*

Question \_\_\_\_\_

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# Oregon Department of Consumers and Business Services

Oregon Occupational Safety and Health Division (OR-OSHA)

1140 Willagillespie Suite 42

Eugene, OR 97401

Phone: 541-686-7562



## Citation and Notification of Penalty

**To:**

Scott McFarland, President

Magela Inc

214 SW 2nd St

Corvallis, OR 97333

**Inspection Number:** 317709531(14)

**Inspection Date(s):** 09/09/2015-09/09/2015

**Issuance Date:** 10/01/2015

**Optional Rpt Num:** H2259-096-15

**Employer ID No:** 1047554-000

**Inspection Site:**

214 SW 2nd St

Corvallis, OR 97333

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated.*

In the interest of assuring a safe and healthy workplace, the Oregon Occupational Safety and Health Division (OR-OSHA) conducted an inspection at a workplace under your control. During this inspection, violations of the Oregon Safe Employment Act and occupational health and/or safety rules were found.

This citation lists the violations and a date by which they must be corrected. If you are not able to correct the violations by the correction date, you must apply for an extension of the correction date by following the instructions outlined later in this citation. Oregon laws require that under certain conditions violations of occupational safety and health rules carry a civil penalty. If penalties have been assessed on this citation, they have been computed in conformity with Oregon Administrative Rules, Chapter 437, Division 1. If you want to appeal this citation, file your request for hearing within 30 calendar days as outlined on the reverse side of this page. If you choose not to appeal this citation, it becomes a final order 30 calendar days after receiving it. You must abate the violations referred to in this Citation by the dates listed, and pay the proposed penalties.

An effective Safety and Health program not only assures the correction of cited violations, it also requires actions to prevent violations from recurring. Through continued cooperation of employers, employees and OR-OSHA, a safe and healthful workplace for all Oregon employees can be achieved.

Michael D. Wood, Administrator  
Oregon OSHA

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**Posting** - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited has (have) been abated, or for 3 working days (excluding weekends and holidays), whichever is longer.

**Penalty PAYMENT** - Penalties are due 20 days after the citation becomes final order (which is 30 days after receipt of this citation, unless appealed). Make your check or money order payable to "Department of Consumer & Business Services" (DCBS), and mail to **DCBS, Fiscal Services Section, PO Box 14610, Salem OR 97309-0445**. Please include the Inspection Number on the remittance and return a copy of the invoice with payment. OR-OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if they do not exist.

**Employer APPEAL Rights** - To appeal a citation, you must clearly state in writing that you are requesting a hearing on the citation and specify the alleged violation(s) contested and the grounds upon which you consider the citation, proposed penalty(ies), or correction period to be unlawful. The request for an appeal must be filed within 30 calendar days of receipt of the citation. An appeal is considered filed on the date of postmark, if mailed, or on the date of receipt if transmitted by other means. If mailed, the appeal letter should be sent to: **Oregon OSHA, PO BOX 14480, Salem OR 97309-0405**. You can file an appeal on-line at [www.orosha.org/appeals.html](http://www.orosha.org/appeals.html)

A request for an informal conference alone is not an appeal of a citation, and any unresolved issues discussed at an informal conference will not be forwarded for appeal unless there is a timely request for hearing filed. **If you do not request a hearing within the required time frame, this citation will become a final order that is not subject to review by any agency or court.**

**IMPORTANT NOTE:** Appealing a serious violation or the reasonableness of the correction date does not automatically extend the correction date. You may apply for an extension of the correction date through OR-OSHA or request an expedited hearing on the issue of the correction date with the Workers' Compensation Board Hearings Division (Oregon Revised Statute 654.078(6)).

**Letter of Corrective Action** - You are required to complete and mail the enclosed Letter of Corrective Action to the appropriate field office on or before the latest correction date on the citation. Please provide a detailed explanation and supporting documentation (if necessary), such as drawings or photographs of corrected violations, purchase or work orders, air sampling results, etc.

**EXTENSION of Correction Date** - To apply for an extension for correcting a violation, submit a written request to the **office** listed on the of Corrective Action" or on-line at [www.orosha.org/appeals.html](http://www.orosha.org/appeals.html), and include:

- (1) Employer name and address.
- (2) The location of the place of employment.
- (3) The inspection number and optional report number.
- (4) The violation number for which the extension is sought.
- (5) The reason for the request.
- (6) All available interim steps being taken to safeguard employees against the cited hazard during the requested extended correction period.
- (7) The date by which you propose to complete the correction.
- (8) A statement that a copy of the request for extension has been posted as required by OAR 437-001-0275(2)(d) and (j) or for at least 10 days, whichever is longer; and, if appropriate, provided to the authorized representative of affected employees; and, certification of the date upon which the posting or service was made.

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Your request must be postmarked or received by the Department no later than the correction date of the violation for which the extension is sought.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint with the Bureau of Labor & Industries (BOLI) no later than 90 days after the discrimination occurred.

**Notice to Employees** - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date is unreasonable. The objection letter must be mailed to OR-OSHA and postmarked within 30 calendar days of the receipt by the employer of this Citation and Notification of Penalty.

**Adopting Federal Rules by Reference** - Whenever federal rules have been adopted by reference, the federal rule number has been noted in the citation. If information is needed regarding the Oregon standard, contact the OR-OSHA field office addressed at the top of the first page of this citation.

**Posting on the Internet** - Federal OSHA publishes information on all inspections and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to your inspection will be available not sooner than 30 calendar days after the Citation Issuance Date. You are encouraged to review the information concerning your establishment at [www.osha.gov](http://www.osha.gov). If you have any dispute with the accuracy of the information displayed, please contact this office.

If you would like to discuss this citation, call the OR-OSHA office in your area:

Portland 503-229-5910

Salem 503-378-3274

Medford 541-776-6030

Eugene 541-686-7562

Bend 541-388-6066

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# Oregon OSHA

Oregon Department of Consumers and Business Services

Inspection Number: 317709531

Inspection Date(s): 09/09/2015-09/09/2015

Issuance Date: 10/01/2015



## Citation and Notification of Penalty

Optional Rpt Num: H2259-096-15

Company Name: Magela Inc

Inspection Site: 214 SW 2nd St, Corvallis, OR 97333

### Citation 1 Item 1 Type of Violation: **Other than Serious**

OAR 437-001-0765(1): The employer did not establish and administer an effective safety committee as defined by these rules:

a) The employer did not establish a Safety Committee at the workplace. The employer was having safety meetings each month in lieu of formal Safety Committee meetings.

Date by Which Violation Must be Abated:	10/22/2015
Proposed Penalty:	\$0.00

<b>Total Proposed Penalties:</b>	<b>\$0.00</b>
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**Narrative Summary**  
**Magela Inc.**  
**Dbas: American Dream Pizza**  
**Opt. Rep. # H2259-096-15**

On September 9<sup>th</sup> 2015, SCO H2259 conducted a Complaint partial safety inspection at 214 SW 2<sup>nd</sup> St in Corvallis, Oregon. Site Manager, Mark O'Brien participated in all aspects of the inspection process including the opening conference, the closing conference and the site inspection.

This business is a Pizza Restaurant and a full service mixed drink bar. There is an upstairs rooftop seating area with a seating capacity of 49.

This business is OSHA 300 log exempt as per the SIC code.

An employee was interviewed.

The complaint item could not be substantiated at the time of the inspection. However, a citation was issued to the employer for an alleged other than serious workplace hazard. A Safety Committee was not established at the workplace.

Through employee interviews, inspection activity and records review the complaint item could not be substantiated. The guardrail was found to be within the window of required height regulation and the guardrail was found to be adequately secured.

No Personal Protective Equipment was required for the SCO to conduct the inspection.

The SCO was treated with courtesy throughout the inspection process.